

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY MAY 6, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2620

Introduced by Assembly Member Eng

February 19, 2010

An act to add Section 149.05 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2620, as amended, Eng. Transportation: toll facilities.

Existing law provides that the Department of Transportation shall have full possession and control of the state highway system and associated property. Existing law provides for the development of high-occupancy toll lanes on the state highway system by regional transportation agencies under specified circumstances and specifies the use of toll revenues generated from these facilities.

This bill would require ~~an unspecified percentage up to 15 percent~~ of net toll revenues, *as specified*, generated by certain toll facilities on the state highway system ~~developed on and after January 1, 2011~~, to be dedicated to ~~maintenance, preservation, and rehabilitation of the state highway system, including~~ funding of projects in the state highway operation and protection program (*SHOPP*). The bill would make legislative findings and declarations in that regard. The bill would require *those* revenues ~~dedicated to the state highway operation and~~

~~protection program~~ to be used for *SHOPP* projects in the transportation corridor in which the revenues are generated ~~and, but~~ would also authorize the department, ~~in consultation with a regional transportation authority,~~ to apply *jointly with the public agency implementing the toll facility* to the California Transportation Commission to direct those revenues to other projects *on the state highway system* within the county in which ~~a high-occupancy~~ the toll-lane facility is located and the revenue is generated, *including non-SHOPP projects. This bill would not apply to toll facilities authorized in statute on or before January 1, 2010.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The level of funding available for maintenance, preservation,
4 and rehabilitation of the state highway system is straining the
5 ability to meet rehabilitation and preservation needs of the system.

6 (b) Rehabilitation and reconstruction needs on the state highway
7 system are increasing as the infrastructure ages.

8 (c) The continued increase in vehicle travel and goods movement
9 contributes to an increased rate of pavement and bridge
10 deterioration, new accident concentration locations, and increasing
11 hours of traffic congestion.

12 (d) Continued underfunding of maintenance, preservation, and
13 rehabilitation needs delays projects and increases the cost when
14 the work is eventually undertaken.

15 (e) Transportation agencies are increasingly interested in
16 developing tolled facilities on the state highway system, a
17 state-owned asset.

18 (f) At least a portion of the proceeds from tolled facilities should
19 be directed to maintenance, preservation, and rehabilitation of the
20 state highway system, which serves as a backbone to those
21 facilities.

22 SEC. 2. Section 149.05 is added to the Streets and Highways
23 Code, to read:

24 149.05. (a) Notwithstanding any other provision of law,
25 *up to 15 percent of net toll revenues generated by a toll facility on*

1 the state highway system shall be dedicated to ~~maintenance,~~
2 ~~preservation, and rehabilitation of the state highway system,~~
3 ~~including funding of projects in the state highway operation and~~
4 ~~protection program and as otherwise provided in subdivision (c).~~
5 This section shall apply to toll facilities developed on and after
6 January 1, 2011, that are the subject of a cooperative agreement
7 between the department and another public agency entered into
8 on and after that date, but shall not apply to toll facilities developed
9 pursuant to Sections 149.1, 149.3, 149.4, 149.5, 149.6, 149.8, or
10 149.9: For the purposes of this section, net toll revenue shall
11 include total revenues generated by the facility after subtracting
12 direct expenses related to the operation of the facility, including
13 collection and enforcement, maintenance, and administration.
14 Administrative costs shall not exceed 3 percent of total revenues.
15 This section shall not apply to toll facilities authorized in statute
16 on or before January 1, 2010.

17 (b) Toll facilities subject to this section shall be developed in
18 accordance with a cooperative agreement between the department
19 and the public agency that is developing the toll facility. The
20 cooperative agreement shall determine the appropriate percentage
21 of net toll revenues to be dedicated to projects in the state highway
22 operation and protection program pursuant to subdivision (a).
23 Factors to be considered in determining the appropriate percentage
24 shall include debt service and facility administration, operation,
25 and maintenance costs. The cooperative agreement between the
26 department and the other public agency shall provide for the
27 payment of ~~these~~ those revenues to the department for deposit in
28 the State Highway Account. Those revenues shall be subject to
29 appropriation by the Legislature for purposes consistent with this
30 section and shall not be subject to borrowing or diversion for any
31 other purpose.

32 ~~(b)~~

33 (c) Toll revenues described in subdivision (a) that are dedicated
34 to the state highway operation and protection program shall be
35 used for projects in the corridor in which the revenues are
36 generated. The department, ~~in consultation with the regional~~
37 ~~transportation authority, and the affected public agency jointly~~
38 may also apply to the commission to direct ~~these~~ those revenues
39 to other projects on the state highway system within the county in
40 which the ~~high-occupancy toll lane~~ toll facility is located and in

1 which the revenues are generated, *including projects in capital*
2 *programs other than the state highway operation and protection*
3 *program.*

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6 **CORRECTIONS:**

7 **Text—Page 3.**

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